

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-27 in the application. After a final rejection, the Applicants filed a Notice of Appeal and an Appeal Brief. In view of the Appeal Brief, the Examiner reopened prosecution with the option of filing a reply under 37 C.F.R. § 1.111 or requesting reinstatement of the appeal. The Applicants have decided to file a response.

In previous responses, the Applicants amended Claims 1, 3-4, 8, 10-11, 15-17, 21-22 and 26-27. In the present response, the Applicants have amended independent Claims 1, 8, 15 and 21. No other claims have been cancelled, added or amended in this response. Accordingly, Claims 1-27 are currently pending in the application.

I. Rejection of Claims 21 and 23-27 under 35 U.S.C. §102

The Examiner has rejected Claims 21 and 23-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,495,522 to Allen, *et al.* (Allen). The Applicants respectfully disagree since Allen does not teach a system for managing deletion of telephony recordings stored in a storage unit as recited in amended independent Claim 21.

As recognized by the Examiner, Allen does not teach a system for managing deletion of telephony recordings stored in a storage unit including directories designated to contain only telephony recordings of telephone conversations as recited in Claim 21. (See Examiner's Action, page 10.) Instead, Allen discloses Call Detail Records (CDRs) that are line information generated when a telephone line is disconnected from a bridge. The CDRs include such information as line number, conference number, start time, end time, *etc.* (See column 22, line 63 to column 23, line 18.) Thus, the cited teachings of Allen do not disclose directories designated to contain only

telephony recordings of telephone conversations as recited in amended Claim 21 but disclose the storage of telephone line information.

Since Allen does not teach each and every element of amended independent Claim 21, Allen does not anticipate the invention associated with Claim 21 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(b) rejection with respect to Claims 21 and 23-27 and issue allowance for these Claims.

II. Rejection of Claims 1-5, 7-12, 14-18 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 1-5, 7-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,785,370 to Glowny in view of U.S. Patent No. 5923,746 to Baker. The Applicants respectfully disagree.

Glowny is directed to computer-aided monitoring and recording of telephone calls. (See column 1, lines 9-11.) As recognized by the Examiner, Glowny does not teach a storage medium being subject to eventual overwriting and allowing a user to delay the overwriting based on an audible reproduction. (See Examiner's Action, page 5.) Glowny, therefore, also does not teach or suggest a recorder controller that provides an audible reproduction of a call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay the overwriting by a subsequent call as recited in amended independent Claims 1, 8 and 15.

To teach a recording system which records conversations onto a storage medium that is subject to eventual overwriting, the Examiner cites Baker. Baker is directed to a call recording system wherein a telephone call is automatically recorded based on call information. (See column 1, lines 6-9.) Baker discloses a call recording system including a computer terminal 108 having a

recording device 114 that includes an overwrite circuit 126 and a period selector 128. (See column 3, lines 22-61 and Figure 1.) The overwrite circuit 126 records a predetermined time period of a telephone call and then continuously overwrites the recording of the telephone call when the predetermined time period expires. The period selector 128 allows an agent or system administrator to select the predetermined period of time. (See column 3, lines 51-61.)

The call recording system, however, does not teach or suggest a recorder controller that provides an audible reproduction of a call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay the overwriting by a subsequent call as recited in amended independent Claims 1, 8 and 15. On the contrary, the overwrite circuit 126 overwrites a recorded portion of an existing call with another portion of the same call per the predetermined time period. (See column 3, lines 64-67.) Thus, the period selector 128 may allow an agent or system administrator to modify overwriting of a call being recorded, but does not allow the agent or system administrator to preserve the recorded call based on an audible reproduction to delay overwriting by a subsequent call. Additionally, the Applicants do not find any other such teachings or suggestions in Baker. Baker, therefore, does not teach or suggest a recorder controller that provides an audible reproduction of a call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay the overwriting by a subsequent call as recited in amended independent Claims 1, 8 and 15.

Since Glowny and Baker, individually or in combination, fail to teach or suggest each and every element of independent Claims 1, 8 and 15, the cited combination of Glowny and Baker does not render obvious the inventions associated with Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a)

rejection of Claims 1, 8 and 15 and Claims dependent thereon and allow issuance of Claims 1-5, 7-12, 14-18 and 20.

III. Rejection of Claims 6, 13 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 6, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Glowny in view of Baker and in further view of U.S. Patent No. 6,064,732 to Pezzullo. The Applicants respectfully disagree.

As discussed above, the cited combination of Glowny and Baker does not teach or suggest each and every element of independent Claims 1, 8 and 15. The Examiner does not cite Pezzullo to cure the deficiencies of Glowny and Baker but to teach an ADSI capable device. (Examiner's Action, page 9). Thus, the cited combination of Glowny, Baker and Pezzullo does not teach or suggest each and every element of independent Claims 1, 8 and 15 and Claims 6, 13 and 19 which depend thereon, respectively. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claims 6, 13 and 19 and allow issuance thereof.

IV. Rejection of Claim 22 under 35 U.S.C. §103

The Examiner has rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Allen and in further view of Glowny. The Applicants respectfully disagree.

As discussed above and recognized by the Examiner, Allen does not teach each and every element of amended independent Claim 21. Additionally, Allen does not suggest each and every element of Claim 21 since Allen teaches a directory of information about telephony recordings

instead of a directory of only telephony recordings of telephone conversations. Allen, therefore, does not teach or suggest each element of amended independent Claim 21.

Glowny does not cure the above deficiency of Allen. On the contrary, Glowny teaches storing telephony data with conversations (see Figure 16) instead of directories designated to contain only telephony recordings of telephone conversations as recited in independent Claim 21. Thus, the cited combination of Allen and Glowny does not teach or suggest each and every element of independent Claim 21 and Claim 22 which depends thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claim 22 and allow issuance thereof.

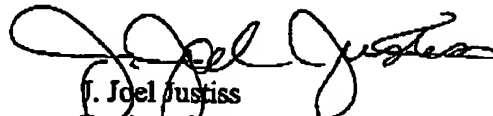
V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-27.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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